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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DN A01087B

In re application of  
Ralph Craig Even

Paper No.: 8

#9  
Huda  
6/29/03

Serial No. 10/040,170

Group Art Unit: 1713

Filed: October 22, 2001

Examiner: M.L. Reddick

For: AQUEOUS ACRYLIC EMULSION POLYMER COMPOSITION

DECLARATION UNDER 37 CFR 1.132

I, Ralph Craig Even of 1424 Mauck Road, Blue Bell, PA 19422, received my B.A. in Chemistry from Franklin and Marshall College in 1981. I have been employed by Rohm and Haas Company since 1981, currently as a Senior Chemist in Coatings Emulsion Polymer Synthesis.

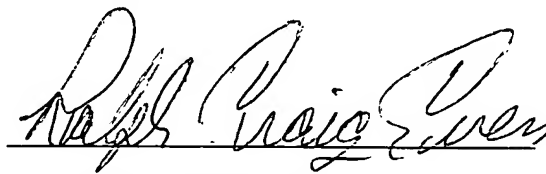
Based upon my knowledge of the methods of US Patent No. 6,403,703 B1 ("Slone"), the only embodiment of those methods in which a redox polymerization is effected and disclosed in detail is given in Comparative Example C of that patent (Example 3 of Slone is disclosed by Slone to be identical except for the chaser). Under my direction, Comparative Example C (Slone, column 6, lines 47ff.) was reproduced in my laboratory on June 5, 2003. Below is a time/temperature log for that run, including the measured pH values:

Time (min)	Temperature (°C)	pH	Observations
0	65.0		Add preform seed
2	59.2		Begin ME & reductant feeds
14	65.0	2.8	10% of feeds added
34	64.8	2.8	25% of feeds added
64	65.1	2.7	50% of feeds added
94	65.7	2.7	75% of feeds added
124	65.0	2.7	100% of feeds added

Slone discloses that the conversion of monomer to polymer at this point in the reaction was 95.5% by weight. I conclude that at least 40 wt% of the aqueous emulsion polymer, Comparative Example C, of Slone was not formed at a pH of from 4 to 8.

Slone discloses that the procedure for Example 3 of Slone was identical to that of Comparative Example C through the end of the feeds, at which time Slone discloses the conversion of monomer to polymer was 96.3%. My belief is that at least 40 wt% of the aqueous emulsion polymer, Example 3, of Slone was not formed at a pH of from 4 to 8.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under the United States Code and such willful statements may jeopardize the validity of any patent application or patent issued thereon.

  
Ralph Craig Even

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CERTIFICATE OF MAILING

I hereby certify that the following correspondence is being deposited as first class mail with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated next to my signature below.

Response After Final  
Declaration under 35 USC 1.132

DATE: *June 9, 2003*

SIGNATURE: *Donald D. Schuler* ✓